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**From:** Deegan, Dave [Deegan.Dave@epa.gov]  
**Sent:** 10/13/2020 4:10:31 PM  
**To:** R1 Executives All [R1ExecutivesALL@epa.gov]  
**Subject:** FW: Daily News Clips: Morning Edition 10-13-20

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**From:** Enos, Kendra  
**Sent:** Tuesday, October 13, 2020 12:10:28 PM (UTC-05:00) Eastern Time (US & Canada)  
**To:** AO OPA OMR CLIPS  
**Subject:** Daily News Clips: Morning Edition 10-13-20

**Agency**

Proposed Consent Decree, Clean Air Act Citizen Suit

**Chemicals**

Buffalo Grove likely to ban use of coal tar sealants: 'We'd be foolish to continue to allow people to use it'

This Strategy Protects Public Health From PFAS 'Forever Chemicals'

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**Waste Cleanup**

FEMA, EPA to provide cleanup for Oregon property owners after wildfires

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Proposed Consent Decree, Clean Air Act Citizen Suit

<https://www.federalregister.gov/documents/2020/10/13/2020-22576/proposed-consent-decree-clean-air-act-citizen-suit>

A Notice by the Environmental Protection Agency on 10/13/2020

This document has a comment period that ends in 30 days. (11/12/2020)

SUBMIT A FORMAL COMMENT

DOCUMENT DETAILS

Printed version: PDF

Publication Date: 10/13/2020

Agency: Environmental Protection Agency

Dates: Written comments on the proposed consent decree must be received by November 12, 2020.

Comments Close: 11/12/2020

Document Type: Notice

Document Citation: 85 FR 64455

Page: 64455-64456 (2 pages)

Agency/Docket Numbers: EPA-HQ-OGC-2020-0509 | FRL 10015-50-OGC

**PUBLISHED DOCUMENT**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

**SUMMARY:**

In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or the "Act"), the United States Environmental Protection Agency ("EPA") gives notice of a proposed consent decree in *Our Children's Earth Foundation v. Wheeler*, No. 4:20-cv-00396-JSW (N.D. Cal.). In this litigation, Our Children's Earth Foundation ("OCEF") alleged that the Administrator of EPA failed to perform certain non-discretionary duties to timely respond, in accordance with the Act, to numerous state implementation plan ("SIP") submittals from the State of California. The proposed consent decree would establish deadlines for EPA to take action in response to these California SIP submittals. The proposed consent decree does not require EPA to take any specific, particular action in response to the submittals.

**DATES:**

Written comments on the proposed consent decree must be received by November 12, 2020.

**ADDRESSES:**

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2020-0509, online at

<https://www.regulations.gov> (EPA's preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Additional Information about Commenting on the Proposed Consent Decree" heading under the SUPPLEMENTARY INFORMATION section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov>, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Charles Starrs, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone: (202) 564-1996; email address: [starrs.charles@epa.gov](mailto:starrs.charles@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Obtaining a Copy of the Proposed Consent Decree**

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2020-0509) contains a copy of the proposed consent decree.

The electronic version of the public docket for this action contains a copy of the proposed consent decree, and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select "search."

**II. Additional Information About the Proposed Consent Decree**

The proposed consent decree would fully resolve two lawsuits filed by OCEF seeking to compel the Administrator to take action, in accordance with CAA section 110, 42 U.S.C. 7410, to respond to numerous California SIP submittals. Both lawsuits were filed in the United States District Court for the Northern District of California: the first, *OCEF v. Wheeler*, No. 4:20-cv-00396-JSW, was

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filed on January 20, 2020 and the second, OCEF v. Wheeler, No. 3:20-cv-01380-WHA, was filed on February 24, 2020. Subsequently, by Order dated June 15, 2020, both cases were consolidated in one action, OCEF v. Wheeler, No. 4:20-cv-00396-JSW.

In the consolidated action, OCEF alleges that the State of California made 72 specifically-identified SIP submittals over a period of years (the majority from 2016-2018) and that EPA has failed to meet its non-discretionary duty to take timely action in response to each of those submittals. In the ordinary course of its administrative action, EPA continues to evaluate and take action on SIP submittals from all the states, including the State of California, and does not necessarily suspend such on-going action because of pending litigation, such as the consolidated action that is the subject of the proposed consent decree. In fact, during the pendency of this litigation, EPA has taken final action on some of the California SIP submittals originally at issue in the litigation.<sup>[1]</sup>

Under the terms of the proposed consent decree, EPA shall, in accordance with a stated schedule, take final action in response to all the California SIP submittals identified in the litigation that are still at issue (i.e. that EPA has not otherwise taken action on during the pending litigation). The schedule requires EPA to take such action on a certain specified number of the California SIP submittals that are at issue by each of four successive dates—December 22, 2020, September 30, 2021, September 30, 2022, and June 30, 2023—such that by the last such date EPA will have taken action on all the submittals. In some instances, the schedule specifically identifies particular SIP submittals in response to which EPA must take action by a specified date, but otherwise, the schedule states that EPA must take action on a minimum number of submittals by each date. It is possible, while this litigation is pending and before the proposed consent decree is final, as EPA continues in the ordinary course of its administrative activities, that EPA may take action on more of the California SIP submittals presently at issue (and which the proposed consent decree currently addresses). In that event, the parties subsequently may slightly adjust the proposed consent decree to ensure that the consent decree is limited to the remaining outstanding SIP submittals. The structure and essence of the proposed consent decree would be unchanged, though, and EPA will be required to take action on all of the remaining SIP submittals at issue in accordance with the prescribed schedule.<sup>[2]</sup>

In addition to setting out a schedule for EPA to take action on the California SIP submittals at issue, the proposed consent decree provides that if California withdraws any of the submittals, EPA no longer has an obligation (under the proposed consent decree) to take action in response to such withdrawn submittal(s). The proposed consent decree also requires that, as EPA takes action in response to the California SIP submittals at issue, EPA shall send the actions to the Office of the Federal Register for publication in the Federal Register. See the proposed consent decree in the docket for other terms and conditions.

For a period of thirty (30) days following the date of publication of this document, the Agency will accept written comments relating to the proposed consent decree. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

### III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2020-0509, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the FOR FURTHER INFORMATION CONTACT section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical

difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

Gautam Srinivasan,  
Associate General Counsel.

#### Footnotes

1. See, for example, [85 FR 57714](#) (September 16, 2020), [85 FR 57703](#) (September 16, 2020). and [85 FR 57712](#) (September 16, 2020).

[Back to Citation](#)

2. EPA would not regard any such future adjustments (if any) to the proposed consent decree as material and does not intend, in such event, to give further notice of the proposed consent decree.

[Back to Citation](#)

[FR Doc. [2020-22576](#) Filed 10-9-20; 8:45 am]

BILLING CODE 6560-50-P

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## Chemicals

[Buffalo Grove likely to ban use of coal tar sealants: 'We'd be foolish to continue to allow people to use it'](#)

<https://www.chicagotribune.com/suburbs/buffalo-grove/ct-bgc-coal-tar-sealant-ban-tl-1015-20201013-o3jdrb5p7nfzjbwpgjyeau4cpi-story.html>

By [BOB GOLDSBOROUGH](#)

PIONEER PRESS |

OCT 13, 2020 AT 7:33 AM

The Buffalo Grove Village Board recently agreed to move forward with creating an ordinance to ban the use and sale of coal tar sealants on roadways, and to try to educate the public about their dangers. For decades, coal tar sealants have been used on asphalt pavements, including roads, parking lots and driveways.

In recent years, however, studies have shown that such sealants contaminate the environment and increase cancer risks. In response, some communities have banned coal tar sealant use, including Highland Park, Winnetka, Deerfield, South Barrington, Vernon Hills, Riverwoods and Evanston.

And Buffalo Grove in 2018 ceased using coal tar sealants when undertaking sealcoating of the village's own asphalt parking lots and bike paths, officials said.

Now, Buffalo Grove has decided to ban such sealant use and sale throughout the village, although it's not clear if any village retailers currently sell them, according to village officials. And residents and businesses have an alternative in asphalt-based sealants, which cost roughly the same and last for approximately the same amounts of time but are far less harmful to the environment and people's health.

At the Oct. 5 Village Board meeting, Buffalo Grove staff proposed either an outright ban on coal tar sealant or simply launching campaign aimed at educating residents and businesses on it.

Trustees favored a new ordinance that encompasses both options.

"We need the educational component, but I also think we need to ban it," Trustee Eric Smith said. "I think we need an ordinance."

At present, Buffalo Grove does not require permits from residents each time that they sealcoat their private driveways. At the meeting, village staff dismissed the idea of starting to require permits for such work.

However, village officials noted that local paving contractors need to register with Buffalo Grove each year, and as such, any registered contractors doing paving in the village would be required to follow the ban.

"After reading what the EPA [Environmental Protection Agency] says about this product, I think we'd be foolish to continue to allow people to use it," Trustee Joanne Johnson said about coal tar sealants.

Village Engineer Darren Monico said the village does not know what percentage of driveways have been sealcoated with coal tar sealants.

"I assume a large part of them are coal tar," he said. If passed, the new law would not apply to flat roofs. Monico told the Village Board that of the 11 north suburban communities that have banned coal tar sealants, none has banned use on roofs. "It is a similar product...(but) I believe in the process (of) how they use it, it doesn't come off as much," Monico said.

Although Buffalo Grove does not require permits for sealing residential driveways, the village does mandate permits for businesses that reseal and restripe their parking lots. As a result, the new law could also bar the use of coal tar sealants.

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## Chemicals

This Strategy Protects Public Health From PFAS 'Forever Chemicals'

<https://www.ecowatch.com/pfas-chemicals-public-health-2648190196.html?rebelltitem=8#rebelltitem8>

The Conversation Oct. 13, 2020 09:53AM EST

### HEALTH + WELLNESS

By Carol Kwiatkowski

Like many inventions, the discovery of Teflon happened by accident. In 1938, chemists from Dupont (now Chemours) were studying refrigerant gases when, much to their surprise, one concoction solidified. Upon investigation, they found it was not only the slipperiest substance they'd ever seen – it was also noncorrosive and extremely stable and had a high melting point.

In 1954 the revolutionary "nonstick" Teflon pan was introduced. Since then, an entire class of human-made chemicals has evolved: per- and polyfluoroalkyl substances, better known as PFAS. There are upward of 6,000 of these chemicals. Many are used for stain-, grease- and waterproofing. PFAS are found in clothing, plastic, food packaging, electronics, personal care products, firefighting foams, medical devices and numerous other products.

But over time, evidence has slowly built that some commonly used PFAS are toxic and may cause cancer. It took 50 years to understand that the happy accident of Teflon's discovery was, in fact, a train wreck.

As a public health analyst, I have studied the harm caused by these chemicals. I am one of hundreds of scientists who are calling for a comprehensive, effective plan to manage the entire class of PFAS to protect public health while safer alternatives are developed.

Typically, when the U.S. Environmental Protection Agency assesses chemicals for potential harm, it examines one substance at a time. That approach isn't working for PFAS, given the sheer number of them and the fact that manufacturers commonly replace toxic substances with "regrettable substitutes" – similar, lesser-known chemicals that also threaten human health and the environment.

## Toxic Chemicals

A class-action lawsuit brought this issue to national attention in 2005. Workers at a Parkersburg, West Virginia, DuPont plant joined with local residents to sue the company for releasing millions of pounds of one of these chemicals, known as PFOA, into the air and the Ohio River. Lawyers discovered that the company had known as far back as 1961 that PFOA could harm the liver.

The suit was ultimately settled in 2017 for \$670 million, after an eight-year study of tens of thousands of people who had been exposed. Based on multiple scientific studies, this review concluded that there was a probable link between exposure to PFOA and six categories of diseases: diagnosed high cholesterol, ulcerative colitis, thyroid disease, testicular cancer, kidney cancer and pregnancy-induced hypertension.

Over the past two decades, hundreds of peer-reviewed scientific papers have shown that many PFAS are not only toxic – they also don't fully break down in the environment and have accumulated in the bodies of people and animals around the world. Some studies have detected PFAS in 99% of people tested. Others have found PFAS in wildlife, including polar bears, dolphins and seals.

## Widespread and Persistent

PFAS are often called "forever chemicals" because they don't fully degrade. They move easily through air and water, can quickly travel long distances and accumulate in sediment, soil and plants. They have also been found in dust and food, including eggs, meat, milk, fish, fruits and vegetables.

In the bodies of humans and animals, PFAS concentrate in various organs, tissues and cells. The U.S. National Toxicology Program and Centers for Disease Control and Prevention have confirmed a long list of health risks, including immunotoxicity, testicular and kidney cancer, liver damage, decreased fertility and thyroid disease. Children are even more vulnerable than adults because they can ingest more PFAS relative to their body weight from food and water and through the air. Children also put their hands in their mouths more often, and their metabolic and immune systems are less developed. Studies show that these chemicals harm children by causing kidney dysfunction, delayed puberty, asthma and altered immune function. Researchers have also documented that PFAS exposure reduces the effectiveness of vaccines, which is particularly concerning amid the COVID-19 pandemic.

### Regulation Is Lagging

PFAS have become so ubiquitous in the environment that health experts say it is probably impossible to completely prevent exposure. These substances are released throughout their life cycles, from chemical production to product use and disposal. Up to 80% of environmental pollution from common PFAS, such as PFOA, comes from production of fluoropolymers that use toxic PFAS as processing aids to make products like Teflon.

In 2009 the EPA established a health advisory level for PFOA in drinking water of 400 parts per trillion. Health advisories are not binding regulations – they are technical guidelines for state, local and tribal governments, which are primarily responsible for regulating public water systems.

In 2016 the agency dramatically lowered this recommendation to 70 parts per trillion. Some states have set far more protective levels – as low as 8 parts per trillion.

According to a recent estimate by the Environmental Working Group, a public health advocacy organization, up to 110 million Americans could be drinking PFAS-contaminated water. Even with the most advanced treatment processes, it is extremely difficult and costly to remove these chemicals from drinking water. And it's impossible to clean up lakes, river systems or oceans. Nonetheless, PFAS are largely unregulated by the federal government, although they are gaining increased attention from Congress.

### Reducing PFAS Risks at the Source

Given that PFAS pollution is so ubiquitous and hard to remove, many health experts assert that the only way to address it is by reducing PFAS production and use as much as possible.

Educational campaigns and consumer pressure are making a difference. Many forward-thinking companies, including grocers, clothing manufacturers and furniture stores, have removed PFAS from products they use and sell.

State governments have also stepped in. California recently banned PFAS in firefighting foams. Maine and Washington have banned PFAS in food packaging. Other states are considering similar measures.

I am part of a group of scientists from universities, nonprofit organizations and government agencies in the U.S. and Europe that has argued for managing the entire class of PFAS chemicals as a group, instead of one by one. We also support an "essential uses" approach that would restrict their production and use only to products that are critical for health and proper functioning of society, such as medical devices and safety equipment. And we have recommended developing safer non-PFAS alternatives.

As the EPA acknowledges, there is an urgent need for innovative solutions to PFAS pollution. Guided by good science, I believe we can effectively manage PFAS to reduce further harm, while researchers find ways to clean up what has already been released.

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### Chemicals

Consultant says EPA likely to favor Asa Wood project

<https://thewesternnews.com/news/2020/oct/13/consultant-says-epa-likely-favor-asa-wood-project/>

By WILL LANGHORNE

The Western News | October 13, 2020 7:00 AM

To help secure the approximately \$400,000 needed to clean up the defunct Asa Wood Elementary School, Libby Public Schools is seeking funds through a highly competitive federal program.

EPA officials estimated that the federal Brownfields program will award only 26 grants for clean up projects nationwide this year, according to Christin Hileman, Brownfield specialist.

During an Oct. 8 public meeting on the Asa Wood project, Hileman addressed school administrators on behalf of NewFields, the environmental consulting company that is partnering with the district to write the grant application. Despite the odds, Hileman said the Asa Wood project has many points in its favor. Unlike many applicants, the school district has a developer that is interested in repurposing the site.

Under the current plan for the property, American Covenant Senior Housing Foundation would turn the school building into an assisted-living facility. Gerald Fritts, chief executive officer of the foundation, told Lincoln County commissioners in July that the remodeled structure would house 45 units and create 22 jobs.

Demographic studies that show Libby's aging population could benefit from the facility also count toward the district's application, Hileman said.

American Covenant's agreement to allow the district and community groups to continue using the property is another unusual feature of the Asa Wood project that EPA officials look favorably upon, Hileman said.

The school district, Libby Food Pantry, Libby Area Community Garden and Girls Scouts could still use their onsite services at Asa Wood under the American Covenant plan. Fritts said in July the site would accommodate a 5,000-square-foot food pantry. The school district, which still uses the Asa Wood kitchen to prepare lunches for students, would likely receive a new onsite kitchen.

"This is not just a for-profit venture," Hileman said. "This developer is willing to continue to allow the community to benefit and use this space."

Hildeman noted that the school district might have a better chance of being accepted by the program this year due to the COVID-19 pandemic. Responding to the coronavirus has preoccupied many local governments and nonprofit organizations that might have otherwise applied for funding.

In the lead up to the grant application, an August inspection of the Asa Wood building found 13 building materials that tested positive for asbestos and an additional six that were assumed to contain asbestos. Inspectors found significant amounts of lead-based paint both on the inside and outside of the structure. They also confirmed four thermostats contain mercury.

NewFields consultants plan to submit three clean up options as part of the school district's grant application. The first is taking no action. The second alternative involves removing all mercury thermometers, abating all asbestos and encapsulating all lead-based paint in the building. The final most expensive action would include all the cleanup work of option two in addition to abating the roof.

Hileman said the roof would need to be sampled for asbestos as it was not covered by earlier inspections. Were the roof to require abatement, the total cost of the third option would be approximately \$396,468.

While also the most labor and time-intensive, NewFields consultants are proposing the third action to the EPA since the American Covenant plan involves remodeling the building's roof.

The total grant request for the project is \$388,000, Hileman said. The school district would be responsible for ponying up 20 percent of the funds, or \$77,600. School officials anticipate dividing up their cost-share as \$6,032 in in-kind labor and \$71,568 in cash.

To complete the cleanup, school district officials will have to seek cost estimates from asbestos abatement contractors. Hileman said the cost of hiring a contractor varies based on the demand for abatement work and how far the contractor has to travel.

The Analysis of Brownfields Cleanup Alternatives and the draft of the grant proposal will be open for public comment until Oct. 22. The documents will be available at the Libby Public Schools website. Hileman said consultants plan to submit the grant application on Oct. 26.

If the district were to receive the grant, the cooperative agreement between Libby schools and the Brownfields Program would begin Oct. 1, 2021. NewFields consultants anticipate the clean up would be complete by October 2022.

Were the school district able to fund the project out of pocket, Hileman said the abatement could take as little as three months.

Hileman said funding through the Brownfields Program goes furthest in communities like Libby. In an urban center with higher property values, American Covenant might be willing to spend \$400,000 to complete an abatement project. In smaller communities, the price tag of remediation projects almost always equal or exceed the property value.

Craig Barringer, former Libby superintendent, estimated in June that abatement costs for Asa Wood would outweigh the value of the property by more than \$100,000.

"This is why it's so important for rural communities to have access to these funds because without them we will continue to see properties sit vacant when they're very usable," Hileman said.

## Covid-19

Cornerstone Collective Announces Nexus Design Standards To Provide Updated and Unified Safety Protocols for Hotel Industry

<https://www.marketscreener.com/news/latest/Cornerstone-Collective-Announces-Nexus-Design-Standards-To-Provide-Updated-and-Unified-Safety-Protoc--31530577/>

10/13/2020 | 08:56am EDT

Officials of The Cornerstone Collective today announced a comprehensive program to provide hotel brands, owners and operators with a road map to design their properties safely, intelligently and prudently for today and the inevitable recovery from the Covid-19 virus. The proprietary Nexus Design Standards lay out specific criteria culled from across the full spectrum of expert sources, including the CDC, EPA, WELL, LEED, IBC, Fitwel, Mindful Materials and medical specialists. The program provides non-biased, research-based solutions that provide critical guidance for safe design, while allowing the ability to optimize the hotel's uniqueness.

"A number of brands and hotel management companies have put together their own pandemic safety procedures, but no two are alike," said Suzie Hall, founder and president, The Cornerstone Collective. "If an owner has multiple brands or owns an independent property, there is no trusted resource to assist them through what can be a costly process. The Nexus Design Standards are the first unified, all-encompassing approach that addresses all aspects of design for the 'new normal.' There is a lot of confusion and conflicting claims ranging from what constitutes appropriate distancing to what makes the most effective barriers. Not only do Nexus Standards include potentially life-saving advice, but they can substantially reduce costs by 15 – 40 percent. The Standards are supplier-agnostic but provide clear specifications on materials which often cost less than other options, even though the quality is similar if not superior."

Hall has spent the last 28 years designing and advocating for how indoor environments can improve human health and well-being. With 20 completed LEED projects and dozens of healthcare assignments, she was ideally qualified to lead this initiative. "We've called upon our experience in designing hospital interiors, which present a higher concern for safety, as well as my current position on the Board of the St. Alphonsus Hospital Foundation. Utilizing that expertise, we worked with expert sources that form the core of the program."

The new standards address ten key areas: Disinfectability, Cleanability, Performance, Health, Environmental, Price, Life Cycle Cost, Sustainability, Proof of Product Properties / Claims and Warranties. The below are specifics from three of the previously mentioned areas above:

### Disinfectability

1. FFE upholstery must be sanctioned as disinfectable by the EPA.
2. Cleaning agents should be EPA-approved against COVID-19. Disinfection of surfaces and objects touched by multiple people is important.
3. When EPA-approved disinfectants against COVID-19 are not available, alternative disinfectants can be used (for example, 1/3 cup of 5.25%–8.25% bleach added to 1 gallon of water, or 70% alcohol solutions). Do not mix bleach or other cleaning and disinfection products together. This can cause fumes that may be extremely dangerous to inhale. Bleach solutions will be effective for disinfection up to 24 hours. Keep all disinfectants out of the reach of children.

### Performance

4. All FFE upholstery should have an integrated fabric barrier system (mitigates pathogens and bacteria getting through)
5. Upholstery should be PVC, phthalate and formaldehyde-free
6. Minimum 50,000 double rub rating for upholstery

### Proof of Product Properties

7. All products should require HPD (Health Product Declaration)
8. Greengard-certification is necessary for all products.
9. All products require a minimum 5 year warranty

"We will begin to see major failures of materials and products in existing hotels that weren't made to withstand the rigorous cleaning protocols that have been put in place," Hall added. "New builds must adopt the Nexus Standards to be successful in both the short- and long-term."

The Nexus Standards began as an internal conversation among Cornerstone members. Following recent hotel visits by Hall and her team, the group quickly noticed that the most common response to guest concerns was to take a Spartan approach. "The solution for many hotels is to greatly reduce their room offerings in an effort to reduce guest safety



concerns, but there is a better way," Hall noted. "As we surveyed what hoteliers were and weren't doing, our focus soon morphed into an industry-encompassing effort to provide best practices to all.

"Coronavirus fears put great emotional and psychological stress on the guest," she said. "This is not the time to provide them with an unpleasant hotel experience by removing or reducing the room to not much more than a bed, a towel and a bar of soap. Hopefully, the coronavirus will be under control within one to two years or sooner. It is important to design the best safeguards, but in a way that will have long-term benefit and value to the hotel design."

Hall said hoteliers may further explore the Nexus Post-Pandemic Design Standards by contacting Cornerstone at [info@cornerstoneinteriordesign.com](mailto:info@cornerstoneinteriordesign.com).

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## Land Management

Hoskin blasts Stitt, EPA power grab

[https://www.tahlequahdailypress.com/news/hoskin-blasts-stitt-epa-power-grab/article\\_0e5958c0-bab8-516c-951c-b15d11fc1cb3.html](https://www.tahlequahdailypress.com/news/hoskin-blasts-stitt-epa-power-grab/article_0e5958c0-bab8-516c-951c-b15d11fc1cb3.html)

By Grant D. Crawford

[gcrawford@tahlequahdailypress.com](mailto:gcrawford@tahlequahdailypress.com)

In the fallout of the U.S. Supreme Court's *McGirt vs. Oklahoma* ruling, in which the court held the Muscogee (Creek) Nation's reservation was never disestablished, Oklahoma Gov. Kevin Stitt quickly tried to wrest jurisdiction over environmental issues in Indian Country. Recently, he got approval from the U.S. Environmental Protection Agency, but the tribes plan to fight back.

In July, Stitt sent the EPA a request to allow Oklahoma to maintain authority over environmental programs within the historical boundaries of the Five Civilized Tribes, which have contended the Supreme Court's ruling extends to all of its members - Creek, Cherokee, Choctaw, Chickasaw, and Seminole Nations. Such programs included initiatives of the Oklahoma Water Resources Board, Department of Environmental Quality, Department of Agriculture, Food and Forestry, and more.

EPA Administrator Andrew Wheeler cited a provision in the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 that obligated the agency to approve Stitt's request. Introduced by Sen. Jim Inhofe, R-Okla., at the time, the provision prevented tribes from implementing environmental regulation within their boundaries.

"... EPA generally excludes Indian country from its approvals of state environmental regulatory programs. However, where a federal statute expressly provides for state program administration in Indian country, EPA must apply that law and approve a proper request for such state administration," said Wheeler in his letter of approval to Stitt.

Wheeler said the agency invited Oklahoma tribes to provide their views regarding the state's July request. According to Wheeler, the EPA conducted a meeting that was open to all the state's tribes, and held meetings with seven tribes individually to receive their input.

Cherokee Nation was one of several tribes to criticize the EPA's decision and the state's request.

In a September Resource Committee meeting of the Cherokee Nation Tribal Council, Secretary of Natural Resources Chad Harsha said the tribe had requested consultation with the EPA to discuss the state's request. He said the initial window of time to discuss with the agency specific issues with the request was about three weeks, and felt that was not an appropriate amount of time to allow the tribe to fully consider the situation.

Some of the programs the state will continue to oversee are included within the Clean Water Act, like National Pollutant Discharge Elimination System Programs, Disposal of Biosolids and Sewage Sludge, and Water Quality Standards and Implementation plans. Other programs included are contained within the Federal Insecticide, Fungicide, and Rodenticide Act; the Safe Drinking Water Act; the Resource Conservation and Recovery Act; the Clean Air Act; and the Toxic Substances Control Act.

Principal Chief Chuck Hoskin Jr. was quick to rebuke the decision.

"It's disappointed the Cherokee Nation's request that EPA consult individually with affected Oklahoma tribes was ignored," Hoskin. "Unfortunately, the governor's decision to invoke a 2005 federal law ignores the longstanding relationships between state agencies and the Cherokee Nation. All Oklahomans benefit when the Tribes and state work together in the spirit of mutual respect and this knee-jerk reaction to curtail tribal jurisdiction is not productive."

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## Pollution

Gulf Coast Sequestration Makes Initial Filing to Obtain EPA Permit for CCS Project

<https://www.businesswire.com/news/home/20201013005682/en/Gulf-Coast-Sequestration-Makes-Initial-Filing-to-Obtain-EPA-Permit-for-CCS-Project>

Project Slated to be Largest Geologic Carbon Sequestration Asset in the U.S.

October 13, 2020 08:55 AM Eastern Daylight Time

LAKE CHARLES, La.--(BUSINESS WIRE)--Gulf Coast Sequestration (GCS) today announced that the company has initiated the process for obtaining a Class VI Underground Injection Control permit from the U.S. Environmental Protection Agency (EPA) by filing a detailed technical submission to delineate its "area of review." This is a significant step in the company's effort to build and operate the country's premier carbon sequestration project, which is designed to permanently store more than 80 million tons of carbon in deep geologic formations.

Gulf Coast Sequestration makes initial filing for EPA permit for #CCS project. Designed to safely & permanently store over 80 million tons of carbon, GCS "hub" is expected to be largest geologic CCS project in the US and one of the largest in the world.

[Tweet this](#)

Once completed, the GCS "hub" is expected to be the largest geologic carbon capture sequestration (CCS) project in the U.S. and one of the largest in the world. With the capacity to sequester 2,700,000 tons of CO<sub>2</sub> annually, it will be equivalent to removing about 600,000 passenger vehicles from the road every year or the equivalent annual carbon avoided from 2,000 wind turbines.

The filing marks a milestone for GCS, which controls both the surface and subsurface rights for a large, contiguous landholding in southwest Louisiana. The permit application comes after years of comprehensive data collection and analysis which determined that the area's geologic pore space is ideally suited to build and operate a world-class carbon sequestration project.

"This filing is a long time coming and an exciting moment for GCS," said Gray Stream, President of Matilda Stream Management, Inc., the owner of GCS. "We have done our homework, and our permit application reflects our commitment to robust environmental compliance. We look forward to working with EPA to secure the approvals needed to develop, construct, and operate one of the leading carbon sequestration projects in the world."

Located in close proximity to one of the nation's busiest industrial corridors, GCS will partner with industrial customers to capture CO<sub>2</sub> and safely contain it underground. In recent years, technological developments and new federal tax credits have made it economically attractive for some industrial facilities to install CCS systems to dramatically reduce their CO<sub>2</sub> emissions.

"At GCS, we believe that CCS is the best way to tackle industrial greenhouse gas emissions," said GCS principal Benjamin Heard. "By providing safe and secure storage for carbon dioxide, GCS will assist industrial customers in achieving their sustainability goals. Working together, we can help to steer the United States toward a more economically and environmentally sustainable future."

The Intergovernmental Panel on Climate Change estimates that the costs of tackling climate change could more than double if CCS technology is not developed and widely deployed. The GCS project capitalizes on CCS's vital – and singular – capability for reducing the emissions from existing industrial facilities.

The team behind GCS includes several of the world's leading experts on carbon capture and sequestration who bring insight and experience on geology, petrophysics, seismic, and reservoir modeling and simulation as well as the complex legal and regulatory issues involved with a project of this size and scale.

More information about GCS is online at [www.gcscarbon.com](http://www.gcscarbon.com).

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## Pollution

The Clean Air Act says EPA can issue rules limiting any air pollutant that "contributes significantly" to a danger to public health or welfare.

By ALEX GUILLÉN

10/13/2020 11:15 AM EDT

EPA finalized a rollback of Obama-era methane limits on new oil and gas wells on Thursday and teed up future EPA action to set the threshold at which EPA must regulate such greenhouse gas emissions — a move environmentalists warn is an attempt to head off efforts by future administrations to curb emissions from other industries.

The "contributes significantly" threshold: The Clean Air Act says EPA can issue rules limiting any air pollutant that "contributes significantly" to a danger to public health or welfare.

The final Trump rules (Reg. 2060-AT90), (Reg. 2060-AT54) conclude that the Obama administration did not properly make that finding when it extended emissions rules in 2016 to cover the transmission and storage sectors of the natural gas industry, even though EPA estimated at the time it would target 3.4 percent of domestic greenhouse gas emissions and 0.5 percent of global emissions.

"The EPA intends to begin rulemaking shortly to identify thresholds and/or criteria and to apply them in future significance determinations," the final rule said. A spokesperson said EPA plans to issue a proposal later this year. Asked why EPA didn't simply make that finding under this rulemaking, a senior EPA official told reporters on a conference call that "we were mostly focusing on fixing the problems of the past so we can move forward with a more balanced rulemaking that better aligned with the requirements laid out in the Clean Air Act."

Rescinding methane limits: The rules also remove methane-specific limits imposed on newly built production and processing facilities, including wells, after concluding the limits are "redundant." Pollution control technologies that capture VOCs also capture methane, and so rescinding the methane-specific limits while leaving the VOC rules in place "will not affect the amount of methane emission reductions that those requirements will achieve," EPA said.

Leak detection and repair: Changes to these requirements are projected to save the oil and gas industry as much as \$1 billion in compliance costs over the next decade.

The rule maintains twice-yearly monitoring requirements for wells but eases the schedule for compressor stations from quarterly to semi-annually. It excludes low-production wells that pump out less than 15 barrels of oil equivalent per day. Companies can stop leak detection once production and processing equipment is removed and it becomes a "wellhead-only" site.

It also gives companies extra time to repair leaks if it would not be "technically feasible" within 30 days.

Other changes: The rule allows companies to follow some states' leak repair regulations that it says are as protective as the federal ones. The agency says states can follow well site and compressor station rules in California, Colorado, Ohio, Pennsylvania and Texas, and well site rules only in Utah.

Targeting record keeping and reporting requirements that it called "convoluted," EPA made changes that it projects will save industry \$107 per site per year, about a 25 percent reduction.

Costs and benefits: In total, EPA's rollback will forego capturing 850,000 tons of methane, the equivalent of 19 million tons of carbon dioxide, between 2021 and 2030. EPA projects the lost climate benefits over the decade will be as high as \$130 million, though that's limited to domestic benefits, not global benefits.

The rules would also lead to an additional 140,000 tons of volatile organic compounds, a class of pollutants that are a precursor to ground-level ozone, and 5,000 tons of hazardous air pollutants. EPA did not quantify those impacts. EPA estimated its rules would save oil and gas companies almost \$1 billion over the next decade, even after factoring in foregone revenue from the lost methane.

Depending on discount rate, EPA said the rules will lead to net benefits of \$750 million to \$850 million annually, due to significant reductions in costs from technical changes to leak inspection frequency.

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## Superfund

EPA releases fourth 5-year review of General Motors Superfund Site in Massena, containment levels remain high

<https://www.informnny.com/abc50-now/epa-releases-fourth-5-year-review-of-general-motors-superfund-site-in-massena-containment-levels-remain-high/>

MASSENA, N.Y. (WWTI) — The General Motors Superfund Site has received its fourth, five-year review. The United States Environmental Protection Agency recognized the General Motors site located in Massena as a Superfund National Priority in 1984. This followed disposal of various industrial waste, which contaminated groundwater, soil and sediment in the St. Lawrence and Raquette Rivers, Turtle Cove and Turtle Creek. According to the EPA, GM was working cooperatively to remediate the site when GM filed for bankruptcy protection in 2009. To continue the remediation work, the Revitalizing Auto Communities Environmental Response Trust was formed in 2011.

The cleanup work is now overseen by representatives of EPA, the SRMT Environmental Division, and the New York State Department of Environmental Conservation.

The recently release five-year review of the site evaluated the implementation and performance of remedial efforts.

According to the EPA, the report was initiated as “hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure.”

As stated in the FYR, to monitor these levels, the EPA conducted sampling in fish tissues, sediment data, sediment porewater sampling, groundwater and toxin levels.

However, as the General Motors Superfund Site will continue to be listed on the Superfund National Priority List, the FYR report stated that no further information calls into question the current selected remedies.

The EPA also listed several issues and recommendations for the site.

The full five-year review can be read below:

[FOURTH FIVE-YEAR REVIEW REPORT FOR  
GM MASSENA CENTRAL FOUNDRY SUPERFUND SITE  
ST. LAWRENCE COUNTY, NEW YORK](#)

[Download](#)

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## Waste Cleanup

[FEMA, EPA to provide cleanup for Oregon property owners after wildfires](#)

<https://www.opb.org/article/2020/10/13/fema-and-epa-to-provide-cleanup-for-oregon-property-owners-after-wildfires/>

By Aubrey Bulkeley (KLCC)

Oct. 13, 2020 10:06 a.m.

Property owners across Oregon are grappling with how to rebuild after this summer’s devastating wildfires. They may be able to get help from the Federal Emergency Management Agency and the Environmental Protection Agency.

Because each situation is unique, property owners should work closely with their insurance company to understand exactly what is covered. Lane County Waste Management Superintendent Jeff Bishop says understanding safety and cost is especially important for those wanting to do the work themselves.

“FEMA has granted authorization for what is called category B clean up,” said Bishop. “And that’s where crews funded by EPA will come through with the owners permission and remove hazardous waste from those sites. And that sort of clears the way for debris clean up which is known as Phase 2.”

Lane County was notified last week that FEMA has authorized funding for Phase 2. If insurance covers the cost of the services, it will be recouped by FEMA. If not, there is no additional cost to the property owner.

Property owners wanting to participate, need to sign a “Right of Entry” form by Oct. 16.

Helpful insurance information can be found [here](#). Lane County resources and the Right of Entry form can be found [here](#).

Bishop says the FEMA/EPA crews can clear hazardous waste from about five properties per day. But with 8 counties in Oregon needing assistance, FEMA’s deadline to complete all of phase one is by the end of December 2020. Then, work to clear debris can begin.